

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

Robert Roman,

Defendant.

Adv. Pro. No. 10-04292 (SMB)

[PROPOSED] ORDER ON MOTION TO COMPEL

This cause having come before the Court on June 14, 2017, on the motion (“Motion”) of Irving H. Picard (“Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, for entry of an order to compel Defendant Robert Roman to produce certain documents identified in the Trustee’s accompanying Memorandum of Law; and

Due notice of the Motion having been given and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein, and after deliberation:

IT IS HEREBY FOUND AND DETERMINED THAT:

1. Defendant Robert Roman waived any work product protection over three communications and accompanying attachments he sent to Bernard L. Madoff; and
2. Defendant Robert Roman is not entitled to assert the work product privilege over three communications and accompanying attachments Bernard L. Madoff, a disinterested third party, sent to Robert Roman.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The Motion is granted in its entirety;
2. Defendant Robert Roman is hereby ordered to produce the six communications identified above to the Trustee within seven days; and
3. This Court shall retain jurisdiction to, among other things, interpret and enforce the terms and provisions of this Order.

Dated: _____ 2017

HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE